IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

SUMMARY SUIT NO.264 OF 2005

Hirachand H. Vora)..Plaintiff

Versus

Ram S. Bhatia and another)..Defendants

Mr.Birendra Saraf i/b.Kiran Jain for the Plaintiff.

Mr.Abhay Patki with Mr.S.R.Agarkar for the Defendants.

CORAM : SMT.NISHITA MHATRE, J.

DATED : 6TH DECEMBER 2005

P.C. :

. It appears that the Suit has been filed and numbered although leave under Clause XII has not been taken.

2. In view of this objection raised by the Defendants, who have already filed their Written Statement, the Plaintiff seeks liberty to withdaw the Suit and file a fresh one on the same cause of action. The Defendants have no objection.

3. Accordingly, Suit allowed to be withdrawn and dismissed as such with liberty as prayed.

4. Refund of Court Fees as per Rules.